

REMARKS

Reconsideration and withdrawal of the 35 USC 103(a) rejections of claims 1 - 10 is respectfully requested.

The Examiner has rejected claims 1-10 of the present application under 35 USC 103(a) as being unpatentable over US Pat. No. 5,559,860 to Mizikovsky in view of US Pat. No. 5,784,444 to Snyder. Mizikovsky teaches a mobile phone that receives and processes caller ID data and assigns an incoming call to a predetermined response category based on the caller ID data associated with the incoming call (col. 8, lns. 8-19). Predetermined response categories set forth in Mizikovsky include assigning a distinctive ring alert to the incoming call (col. 6, ln. 32), muted ringing (i.e., silent mode) (col. 6, ln. 44), voice mail diversion (col. 6, ln. 58), voice scrambler (col. 6, ln. 64), facsimile diversion (col. 7, ln. 7), data modem (col. 7, ln. 9), among others. However, none of the predetermined response categories explicitly or impliedly include allowing the mobile phone to automatically answer itself.

Mizikovsky examines the caller ID data and compares it to telephone numbers stored in memory on the receiving mobile device. When a match is found, Mizikovsky checks if a predetermined response category is assigned to the number. If not, the mobile phone will alert (ring) normally. If there is a predetermined response category assigned to the number, Mizikovsky will process the instructions associated with the predetermined response category which may include altering the ring tone, diverting the call, etc.

The present invention only resembles Mizikovsky in that it too processes incoming caller ID data. However, the type of processing and the steps that follow in the present invention are distinct from and not contemplated by Mizikovsky. The purpose of the present invention is to allow a mobile phone to answer itself under certain conditions. The term 'answer' as used in the present invention refers to the ability of the mobile phone to make a full-duplex connection with the calling party without any external (e.g., human) assistance. This feature can be seen as useful when checking in with mobile phone users that may be unable (most likely for health reasons) to respond to a mobile phone alert. The present invention will answer the phone and allow the called party to communicate via a speakerphone feature if they are unable to get to the mobile phone.

The present invention, as claimed, works by comparing the incoming caller ID data to the mobile phone's flagged telephone number data. Unlike Mizikovsky, the present

invention will allow the mobile phone to answer itself if the incoming caller ID data is flagged as an 'override' number and the mobile phone has enabled an 'override' feature.

With respect to independent claims 1 and 6, the Examiner specifically cites (col. 13, lns. 1-21) as reading on "*determining if the calling party's phone number has been flagged as a phone number capable of causing the mobile phone to answer itself*". The cited passage, however, discusses producing various types of alerts in response to an incoming call as well as a catch all phrase to broaden the terms 'accessory' and 'peripheral devices'. There is nothing in the cited passage that refers to a mobile phone's ability to answer itself based on recognized caller ID data. The Examiner further specifically cites (col. 12, lns. 60-67) as reading on "*automatically answering the call if the calling party's phone number is flagged as a phone number capable of causing the mobile phone to answer itself*". This passage clearly does not describe such a feature. Rather, it merely describes providing a distinctive ringing signal representative of a long distance caller.

Mizikovsky describes a variety of options that pertain to how to present an incoming call to a mobile phone user but nothing about automatically answering (connecting) the incoming call without external assistance. The present invention, in contrast, is primarily concerned with providing a mechanism based on incoming caller ID data that will cause the mobile phone to connect a call automatically and without external assistance.

Snyder discloses a method and apparatus for providing alternative caller ID data to a called party. Snyder allows a caller to input the caller ID information he wishes to appear on the called party's telephone display. Thus, if a caller is using a phone that is not his own and has a different telephone number that may not be recognized or desired by the called party, the caller can input his own data instead. For instance, caller A is away on a business trip and does not have access to his business phone line. Snyder will allow the caller to use any phone and set a flag to indicate that the call is coming from his office phone. This way, the called party is more apt to take the call since he recognizes the caller ID data.

Snyder does not teach anything whatsoever pertaining to the automatic answering of a call only the ability to manipulate the incoming caller ID data.

The Examiner, however, cites Snyder (col. 2, lns. 9-26 and col. 5, lns. 51-62) as teaching an automatic call answering feature for a mobile telephone based on caller ID

information. Applicant has reviewed the cited portions as well as the entire Snyder patent and is unable to find any text or description of an ability for a mobile phone to answer itself such that full-duplex communication can occur. This is a key element/step claimed in the present invention.

Mizikovsky actually teaches away from having a mobile phone answer itself by providing a plurality of alternatives for handling an incoming call. Each of the alternatives is an alert based system that attempts to distinguish the calling party to the called party so that the called party can make a personal decision whether to answer the call or not. The entire tone and theme of Mizikovsky is a call screening procedure to avoid unwanted calls as opposed to a call answering procedure for answering incoming calls that the user may not otherwise be able to answer. And, Brennan only teaches automatic call answering for a wireline telephone.

Since Mizikovsky teaches away from the embodiments disclosed in the present application and Snyder does not offer any teachings whatsoever related to automatic call answering or wireless telephony systems, it is improper to use Mizikovsky to cite in a motivating statement for combining it with a secondary reference such as Snyder when neither is on point with the present application. The Examiner is asking one of ordinary skill in the art to view Mizikovsky and Snyder in tandem and obtain the system and method described by the present application when neither reference suggests a solution to the problem presented and solved in the present application because each reference is directed toward a different problem and neither actually performs a key step in the claims presented herein.

In addition, independent claims 5 and 10 describe and claim a method/system that does not rely on caller ID data to automatically connect a call to a mobile phone. These claims describe and claim a process by which a calling party can input a code when diverted to voice mail that will be recognized and cause control to be returned to the mobile phone so that it can be automatically answered. Thus, caller ID data is not used at all in this scenario. Therefore, Snyder is wholly inapplicable.

The Examiner's rejection of claims 5 and 10 specifically cite (col. 1, lns. 1-21), (col. 12, lns. 60-67), and (col. 7, lns. 21-31). None of these passages (nor does any other part of Mizikovsky or Snyder) even remotely suggest monitoring the calling party's keypad entries, checking said keypad entries to determine if they match a pre-set code, returning control of the call to the mobile phone (from the voice mail service), or automatically

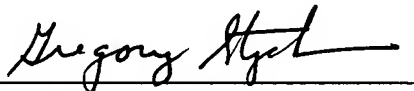
answering (connecting) the call. Col. 1, lns. 1-21 of Mizikovsky merely describe how control channel data embedded into an incoming call is decoded and causes the mobile phone to audibly alert the mobile phone user as to an incoming call. Col. 12, lns. 60-67 of Mizikovsky merely describe providing a distinctive ringing signal representative of a long distance caller. Col. 7, lns. 21-31 of Mizikovsky merely describe the processing that occurs when the predetermined response category involves a facsimile machine. Moreover, absolutely nothing in Snyder mentions monitoring keypad entries from a calling party in a voice mail system and re-routing the call back to the mobile phone.

For the foregoing reasons, the Applicant respectfully submits that the methods and systems claimed in the present application are not anticipated nor fairly taught or suggested by any of the references cited by the Examiner. Reconsideration and withdrawal of the 35 USC 103(a) rejections of claims 1 - 10 is respectfully requested.

The Examiner is authorized to charge any fees required and not paid herein, or credit any overpayment to Deposit Account 13-4365.

Respectfully submitted,

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